

FORM A

FORM TO BE USED BY A PRISONER IN FILING A COMPLAINT
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF IOWA

LARRY E. NEWBERRY
OID# 3499176

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CLERK OF DISTRICT COURT
SOUTHERN DISTRICT OF IOWA

(Enter above the **FULL** name and inmate
number of the plaintiff or plaintiffs in this action)

vs.

COMPLAINT

KIM WOLE, WARDEN, W.R.J.A.; ET. AL
DEPARTMENT OF CORRECTIONS FOR W.VA.
COUNTY OF BARRERSVILLE, W.VA.
(TO BE AMENDED) ET. AL
STATE OF WEST VIRGINIA
ET. AL

(Enter above the **FULL** name of each defendant
in this action)

(NOTE: If there is more than one plaintiff, the information in parts I and II should be shown for
EACH plaintiff by name, using a separate sheet of paper.

I. Previous Lawsuits:

- A. Have you begun other lawsuits in State or Federal Court dealing with the same
facts involved in this action or otherwise relating to your imprisonment?
Yes () No (✓)
- B. If your answer to A is Yes, please answer questions 1 thru 7. (If there is more than
one lawsuit, describe the additional lawsuits on another sheet of paper, using the
same outline.)

1. Parties to this previous lawsuit
Plaintiff's N/A
Defendants N/A
2. Court (if Federal Court, name the district; if State Court, name the county)
N/A
3. Docket Number N/A
4. Name of Judge to whom the case was assigned N/A
5. Disposition, if known (for example: Was the case dismissed? Was it appealed? Is it still pending?) N/A
6. Approximate date of filing lawsuit N/A
7. Approximate date of disposition N/A

II. Place of Present Confinement EASTERN REGIONAL JAIL AUTHORITY

- A. Is there a prisoner grievance procedure in this institution?
Yes (☒) No (☐)
- B. Did you present the facts relating to your complaint in the state prisoner grievance procedure? Yes (☒) No (☐)

C. If your answer is Yes,

1. What steps did you take?

I INFORMED THE ASSIGNED COUNSELOR INITIALLY, THEN I FILED A FORMAL GRIEVANCE AGAINST THE W.R.J.A FOR THE IMPROPER CONDUCT.

2. What was the result?

AFTER ALMOST 15 FORMAL GRIEVANCES, I RECEIVED -0- RESPONSES, AND WAS TRANSFERRED OUT OF THE W.R.J.A.,

- D. If your answer is No, explain why not

N/A

- E. If there is no prison grievance procedure in the institution, did you complain to prison authorities? Yes (☐) No (☐)

F. If your answer is Yes,

1. What steps did you take?

N/A

2. What was the result?

N/A

III. Parties

(In item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiff(s), if any.)

- A. Name of Plaintiff LARRY E. NEWBERRY
Address E.R.J.A. 94 GRAPEVINE RD. MARTINSBURG, WV
25401
- B. Additional plaintiffs N/A

(In item C below, place the full name of the defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use item D for the names, positions, and places of employment of any additional defendants.)

- C. Defendant KIM WOLF, ET. AL.
is employed as WARDEN / CHIEF ADMINISTRATOR
at WESTERN REGIONAL JAIL AUTHORITY
- D. Additional defendants WEST VIRGINIA DEPARTMENT OF
CORRECTIONS, BARBERVILLE COUNTY, FISCAL
ADMINISTRATORS, STATE OF WEST VIRGINIA,
ET. AL.

IV. Jurisdiction

This complaint is brought pursuant to 42 U.S.C. § 1983, and jurisdiction is based on 28 U.S.C. § 1343. Plaintiff(s) allege(s) the defendant(s) acted under color of state law with regard to the facts stated in part V of this complaint.

* V. Statement of Claim

(state here as briefly as possible the **FACTS** of your case. You **MUST** state exactly what each defendant personally did, or failed to do, which resulted in harm to you. Include also the names of other persons involved (for example, other inmates) and state the date and place of all events. Attach an extra sheet if necessary, and write the heading **PART V CONTINUED** at the top of the sheet. Keep to the facts. Do not give any legal arguments or cite any cases.)

I (LARRY E. NEWBERRY) ARRIVED AT W.R.J.A ON
OCTOBER 13TH 2017. PRIOR TO THAT DATE I WAS
DIAGNOSED TO BE HEPATITIS FREE AS OF MY
LAST PHYSICAL, WHICH WAS ON OR ABOUT 10/5/2017.
AFTER MY ARRIVAL ON THE 13TH I BROUGHT
MY LEGS AND HEARD CONDITIONS TO MEDICAL,
SEE ATTACHED PAGE(S)

- VI. (State briefly exactly what you want the Court to do for you. Make no legal arguments. Do not cite cases or statutes.)

IDENTIFY CULPABILITY/RESPONSIBILITY OF EACH OF THE
NAMED DEFENDANTS HAVING CUSTODY OVER ME, THAT
DIRECTLY OR INDIRECTLY EXPOSED ME TO HEPATITIS B VIRUS,
AND AWARD COMPENSATORY, PUNATIVE AND DECLARATORY
DAMAGES AGAINST EACH PARTY FOUND TO
BE NEGLIGABLE FOR MY CARE WHILE IN THEIR
CUSTODY.

VII. Statement Regarding Assistance in Preparing this Complaint

- A. Did any person other than a named plaintiff in this action assist you in preparing this complaint? Yes (✓) No ()
 B. If your answer is Yes name the person who assisted you.
 C. Signature of person who helped prepare complaint.

(Signature) WILLIAM J. ALLEN (Date) 9/2/2018

VIII. Signature(s) of Plaintiff(s)

Signed the 2ND day of SEPTEMBER 2018.
 (Signature of Plaintiff) [Signature]
 Signatures of additional plaintiffs, if any. 349917C

PART V CONTINUED pg.1

FOR CONSIDERATION TO RECEIVE LEG BRACES, AND A SPECIFIC HEART MEDICATION. AFTER A BRIEF REVIEW PERIOD I WAS THEN PLACED IN "LOCK-UP SEGREGATION," (KNOWN AS THE HOLE). I WAS ON "LOCK-UP SEG" FOR 95 DAYS CONTINUALLY. THE SANITATION CONDITIONS WERE HORROROUSLY DEPLORABLE, FECES, URINE, SPIT, VIRAL STAGNANT RIVER WATER, ROTTING FOOD... ETC FLOATING IN ABOUT 2-3 INCHES OF STANDING WATER (WATER).

I FILED 3-4 GRIEVANCES... NO REPLY... I FILED 4-5 GRIEVANCES TO BE MOVED AS I HAD COMMITTED OR BEEN CONVICTED OF ANY INFRACTION(S). NO RESPONSES. ALL DAILY REQUEST FOR CLEANING SUPPLIES WERE IGNORED. CORPORAL DIAMOND WAS THE MAIN OFFICER OF MANY REQUESTS TO ADDRESS MY CLEANING SUPPLIES REQUEST(S).

LT. ERWIN DENIED TO MOVE ME OVER MY HEALTH CONCERNS. I WAS MOVED BACK TO "GENERAL POPULATION" AND LATER DIAGNOSED WITH HEPATITIS "B" AFTER BEING SICK (VIOLENTLY) FOR A WEEK OR MORE, OF BEING IGNORED.

MY CONDITION WAS SO SEVERE THEY WERE FORCED TO DOUBLE HOUR ME IN MEDICAL, AND WHEN I COMPLAINED ABOUT THE LACK/DENIAL OF ADEQUATE TREATMENT, AND STATED TO SPEAK WITH MY ATTORNEY, I WAS IMMEDIATELY DENIED ACCESS, AND PLACED BACK IN THE "HOLE" WITH NO LEGAL OR MEDICAL CONTACT.

I FILED 10 OR MORE GRIEVANCES TO WARDEN KIM WOLF AND COUNSELOR PHILIPS, AND D. COCHRAN, KC. WITH NO RESPONSES DURING THE FOLLOWING 8 MONTHS.

I THREATENED TO CONTACT THE NEWS MEDIA AND THE GOVERNOR OF WEST VIRGINIA AND ONE DAY LATER AFTER LEARNING MY OUTGOING MAIL WAS BEING

PART V CONTINUED

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INTERCEPTED AND NOT DELIVERED, I WAS TRANSFERRED.
 PRIOR TO MY TRANSFER. THE DOC. DURING ITS
 INITIAL TAKEOVER/ADMINISTRATION TRANSITION, THE
 ENTIRE WRIIA STAFF AND ADMINISTRATION WERE
 REPLACED (FIRED/TERMINATED) AS A RESULT OF
 THE DOC'S DETERMINATION OF THE UNSANITARY
 HEALTH CONDITIONS EXISTING AT THE INSTITUTION
 CITING "QUOTE" "DEPLORABLE SANITATION CONDITIONS"

AS OF THIS DATE I HAVE CONTRACTED THE
 HEPATITIS "B" VIRUS AND REMAIN INFECTED
FOR LIFE.

RESPECTFULLY SUBMITTED,

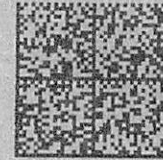
Larry E. Newberry

LARRY E. NEWBERRY #349976

SEPTEMBER 2ND, 2018

DATE

E.R.J.A.
94 GRAPEVINE RD.
MARTINSBURG, WV 25401



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